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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/652,722	08/31/2000	Douglas J. Durrant	K35A0575	3604

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EXAMINER

SHAW, JOSEPH D

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 05/11/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/652,722

Applicant(s)

DURRANT ET AL.

Examiner

Joseph D Shaw

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 4-9, 11, and 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chess (6,026,374) in view of Burdick et al. (5,889,674).

a. As per claims 1 and 11, Chess discloses a system with a seller processor, buyer processor, and information exchange system for exchanging data between the two, wherein the information exchange system can:

receive characteristic data from the seller processor (the summarizer connects to the vendor system and gains access to the information products in question; col. 3, lines 7 -15);

convert the characteristic data received from said receiving system (summarizer computes a score for each information product, reflecting requested buyer information; col. 3, lines 19-21); and

present the data to a buyer processor (information is relayed back to the buyer via the communications network; col. 3, lines 21-23).

However, Chess does not explicitly teach examining said characteristic data, generating a data standard for the characteristic data therefrom, and converting the characteristic data into

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standardized characteristic data in accordance with the data standard. Burdick discloses a system for reformatting data (characteristic) in disparate formats into a common format that includes an established data standard (standardized data format known as Data Input Standard or DIS; col. 4, lines 52-54) and then manipulating (converting) data into report formats (standardized characteristic data). It is also inherent in Burdick that the characteristic data is examined so that conversion can occur.

It would have been obvious to one of ordinary skill in the art at the time of the invention to include an established data standard and converting data into a standardized characteristic data as taught by Burdick in the Chess invention in order to overcome the separate facilities (with their separate data formats) inability to compare or merge data, as taught by Burdick (col. 2, lines 48-51).

b. As per claim 2, Chess disclose the claimed invention modified by Burdick as described above. Furthermore, Chess discloses:

the system receiving characteristic data from a buyer processor (a service where a potential buyer can submit some data to a summarizer; col. 4, lines 32-33).

c. As per claims 4 and 13, Chess discloses the claimed invention modified by Burdick as described above. However, the Chess/Burdick does not explicitly teach converting each of the characteristic data that does not comply with the data standard. Burdick teaches reformatting (converting) raw or outside (characteristic) data not in

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DIS (standard) format into the DIS format (col. 4, lines 52-55; col. 5, lines 18-20).

It would have been obvious to one of ordinary skill in the art at the time of the invention to further include converting characteristic data not complying with the data standard as taught by Burdick in the Chess/Burdick invention in order to overcome the separate facilities (with their separate data formats) inability to compare or merge data, as taught by Burdick (col. 2, lines 48-51) and to be able to include the data in database systems as taught by Burdick (col. 5, lines 18-21).

d. As per claims 5 and 14, Chess discloses the claimed invention modified by Burdick as described above. Furthermore, Chess teaches:

having a data measurement for a data standard (the summarizer computes a score for each information product reflecting how likely it is to contain information the buyer is looking for; col. 3, lines 19-21).

e. As per claims 6 and 15, Chess discloses the claimed invention modified by Burdick as described above. Furthermore, Chess teaches:

having a selectable data standard (the buyer supplies a list of keywords and the summarizer analyzes based on the keywords; col. 2, lines 60-63; col. 3, lines 7-21).

f. As per claim 7, Chess discloses the claimed invention modified by Burdick as described above. Furthermore, Chess teaches:

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presenting standardized characteristic data to a seller processor (a vendor gets the results of the summarizer for advertising; col. 4, lines 35-40).

g. As per claims 8, 9, 16, and 17, Chess discloses the claimed invention modified by Burdick as described above. However, the Chess/Burdick does not explicitly teach presenting all of the standardized characterized data associated with at least one pre-selected component or with a pre-selected seller processor. Burdick discloses the ability to search and display data associated with a specific lot number (component) (col. 7, lines 7-10) or all lot numbers of chips processed by a particular machine (pre-selected seller processor) (col. 7, lines 14-18).

It would have been obvious to one of ordinary skill in the art at the time of the invention to further include presenting all standardized characteristic data associated with a component or processor as taught by Burdick in the Chess/Burdick invention because consumers may require that each semiconductor (component) be provided with its "lineage" (all data associated with the component) as taught by Burdick (cols. 2, line 67 - col. 3, lines 1-3).

3. Claims 3, 10, 12, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chess (6,026,374) in view of Burdick et al. (5,889,674) and further in view of Durham et al. (5,832,502).

h. As per claims 3 and 12, Chess discloses the claimed invention modified by Burdick as described above. However, the Chess/Burdick does not explicitly teach verifying the characteristic data

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sufficiently complies with a set of data format requirements. Durham discloses a computer system that determines data to be in the correct format before proceeding to operate on it (col. 4, lines 62-67 - col. 5, lines 1-4).

It would have been obvious to one of ordinary skill in the art at the time of the invention to include verifying data to be in the correct format as taught by Durham in the Chess/Burdick invention in order to ensure data is located where it is expected to be in the system.

i. As per claims 10 and 18, Chess discloses a system with a seller processor, buyer processor, and information exchange system for exchanging data between the two, wherein the information exchange system can:

receive characteristic data from the seller processor (the summarizer connects to the vendor system and gains access to the information products in question; col. 3, lines 7 -15);

convert the characteristic data received from said receiving system (summarizer computes a score for each information product, reflecting requested buyer information; col. 3, lines 19-21); and

present the data to a buyer processor (information is relayed back to the buyer via the communications network; col. 3, lines 21-23).

Furthermore, Chess teaches:

having a data measurement for a data standard (the summarizer computes a score for each information product reflecting how likely it is to contain information the buyer is looking for; col. 3, lines 19-21); and

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having a selectable data standard (the buyer supplies a list of keywords and the summarizer analyzes based on the keywords; col. 2, lines 60-63; col. 3, lines 7-21).

However, Chess does not explicitly teach examining said characteristic data, generating a data standard for the characteristic data therefrom, and converting the characteristic data into standardized characteristic data in accordance with the data standard. Burdick discloses a system for reformatting data (characteristic) in disparate formats into a common format that includes an established data standard (standardized data format known as Data Input Standard or DIS; col. 4, lines 52-54) and then manipulating (converting) data into report formats (standardized characteristic data). It is also inherent in Burdick that the characteristic data is examined so that conversion can occur.

It would have been obvious to one of ordinary skill in the art at the time of the invention to include an established data standard and converting data into a standardized characteristic data as taught by Burdick in the Chess invention in order to overcome the separate facilities (with their separate data formats) inability to compare or merge data, as taught by Burdick (col. 2, lines 48-51).

However, the Chess/Burdick does not explicitly teach verifying the characteristic data sufficiently complies with a set of data format requirements. Durham discloses a computer system that determines data to be in the correct format before proceeding to operate on it (col. 4, lines 62-67 - col. 5, lines 1-4).

It would have been obvious to one of ordinary skill in the art at the time of the invention to include verifying data to be in the

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correct format as taught by Durham in the Chess/Burdick invention in order to ensure data is located where it is expected to be in the system.

Response to Arguments

4. Applicant's arguments filed April 12th, 2004 have been fully considered but they are not persuasive.

5. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., characteristic data being the "seek time" for hard disks and the "pass rate" of solder connections) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

6. In response to applicant's argument that the references fail to teach "examining characteristic data and generating a data standard for the characteristic data therefrom", it is noted that the examiner has taken the broadest reasonable interpretation of the claim language. In particular, generating a data standard is read to mean reforming data into a standardized format, which applicant admits is taught by Burdick (paper 7, page 8, paragraph 2). The step of reforming data inherently entails examining that data in order to understand what to translate.

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Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

j. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Shaw whose telephone number is 703-305-0094. The examiner can normally be reached on Monday - Thursday and alternate Fridays, 7am - 4pm.

9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharra can be reached on 703-305-4003. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private

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PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Joseph Shaw
Examiner
AU 2141



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